Passed in Home

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Scott II-27—15,004—22-8-46.

(1946) Department.

M&S. SERIES.

G.O. NO. 3851

Dated 6/12/46

[Despatch Abstract.]

Coach- civil- South Kanara Dt- Appt
of Addl. Sub Judge Mangalore- Continuance Sanctd
Appt. of addl. Dt., Munsif Udipi- Abolished

R.O.C.No.4872/46 D2.

From

P.T.Raman Nayar Esq.,I.C.S.,
Registrar, High Court,Madras.

To

The Secretary to Government, Home Department
Madras (with enclosures).

Dated 12-11-46.

Sir,

Courts - Civil - South Kanara district - appointment of additional Subordinate Judge,Mangalore - Continuance - recommended - additional District Munsif, Udipi - abolition from 3-12-46.

Reference:- G.O.MS.No.4403 Home Department dated 10-12-45 and G.O.MS.No.1160 Home Department dated 15-4-1946.

Additional Subordinate Judge,Mangalore.

The period of sanction for the above appointment expires on 15-12-1946. The District Judge, South Kanara recommends that the additional officer and staff may be retained for a period of one year from 15-12-1946, as the abolition of the post on that date will have the effect of further increasing the original suit file. (A copy of his letter No.702/46 dated 19-10-46 is enclosed). The Honourable the Judges support the District Judge's proposal.

Necessary provision has been made in the current year's budget and in the draft budget for 1947-48 for the retention of the additional Subordinate Judge, Mangalore.

Additional District Munsif, Udipi.

The period of sanction for the above appointment expires on 3-12-1946. The Honourable the Judges recommend that the post of the additional District Munsif, Udipi and staff be abolished with effect from 3-12-1946.

P. T. Rau
14/12/46

REGISTRAR.

Copy to the District Judge, South Kanara.

MA

54135E 15-10-46

Copy of letter No.A702/46 dated 19th October 1946 from the District Judge of South Kanara, Mangalore to the Registrar, High Court of Judicature, Madras.

Subject: Courts- Civil - Appointment of Additional Sub Judge Mangalore and Additional District Munsif at Udipi - Continuance beyond 14-12-46 and 2-12-46 respectively-Report submitted.

Reference:- G.O.Ms.No.4403 Home dated 10-12-1945 and G.O.Ms.No.1160, Home dated 15-4-1946

Enclosures: - statement in duplicate.

Additional Sub Judge, Mangalore.

In G.O.Ms.No.5579 Home Department dated 8-4-1943 an additional Sub Judge was appointed to the Sub Court, Mangalore, for a term of six months from the reopening of that court after the summer recess of 1943. The court reopened on the 15th of June 1943. The term of sanction was, however, extended from time to time and the term so extended is due to expire on the 14th December of the current year.

2.On 15-6-1943 (the date on which the additional Sub Judge commenced to function) there were 1013 appeals pending in the district- 439 in the District Court and 574 in the Sub Court. By the end of December 1943 the pendency of appeals was reduced to 765 - 506 were pending in the District court and 259 in the sub court. 310 out of the 506 appeals pending in the District Court and 256 out of the 259 pending in the sub court were over six months old. 195 appeals were disposed of during the period in the district court and 322 in the sub court by the two Sub Judges.

3.459 appeals were instituted in the year 1944 and 699 were disposed of - 224 in the District court and 475 in the sub court, by the two Sub Judges. The pendency of appeals in the District at the end of the year was 528. Out of these appeals 390 were pending in the District Court and 138 in the sub court. The number of appeals instituted in 1945 was 516, and the number disposed of was 654 -206 in the District court and 448 in the sub court, by the two sub Judges. At the end of the year 1945, there were 393 appeals pending in the district-200 in the District Court (91 old) and 193 in the sub court (7 old).

4.During the current year up to 30-9-1946, 381 appeals have been instituted and 439 have been disposed of- 138 in the District court and 301 in the sub court, by the two Sub Judges, 335 appeals were pending in the district on 30-9-1946- 227 in the District Court (40 old) and 108 in the sub court (42 old).

5.The pendency of appeals has been reduced to about one third of what it was at the commencement of the term of sanction of the Additional Sub Judge to the Sub Court, Mangalore (15-6-1943) viz., 335 as against 1013 on 15-6-1943. The arrears of original suits, however, kept on increasing in the sub court, partly as a result of the special attention paid to the disposal of civil appeals and partly as a result of the heavier filing of original suits in that court.

6.There were 93 original suits pending in the sub court on 15-6-1943 and 20 out of these were over a year old. 83 original suits were filed between 15-6-43 and 31-12-43. During the period 65 suits were disposed of in the sub court-45 by the Additional Sub Judge and 20 by the Principal Sub Judge. The latter also disposed of 27 sessions cases as Assistant Sessions Judge. The total number of original suits pending in the sub court on 31-12-43 was considerably higher than on 15-6-43 - 111 original suits as against 93 on 15-6-1943. The number of old suits however was not allowed to rise and it stood at 20.

7.During 1944, 109 original suits were instituted in the Sub Court and 88 were disposed of. The number of suits pending on 31-12-44 was 144 out of which 51 were over a year old. 11 sessions cases were disposed of by the Principal Sub Judge during the year, as Assistant Sessions Judge. The number of original suits instituted in 1945 was 106 and the number disposed of was 125- 61 by the Principal Sub Judge 64 by the Additional Sub Judge. The arrears at the end of the year

mounted to 138 suits, out of which 44 were over a year old. During 1945, 19 sessions cases were disposed of by the Principal Sub Judge as Assistant Sessions Judge. During the current year up to 30-9-46, 133 suits have been instituted and 129 disposed of, leaving 154 suits pend..., out of which 20 are over a year old.

8. There were 149 suits (62 old) on the file of the sub court when the retention of the Additional Sub Judge for a further period of one year was recommended last year. The number of appeals then pending in the district was 457. The pendency of appeals in the district on 30-9-1946 was 335 and the pendency of suits in the sub court on 30-9-46 was 154 (20 old). This heavy pendency of suits is explained by the unprecedented heavy filing of this year. | X

9. The institution of suits this year works out to about 15 per month. On this basis about 37 suits are likely to be filed between 1-10-1946 and 14-12-46 when the term of sanction of the Additional Sub Judge expires. Adding these to the number on file on 30-9-46 (154) there will be an aggregate of 191 suits for disposal by the two Sub Judges by 14-12-1946. Even during the last one year, when the appeal file was not particularly heavy, the two Sub Judges have not been able to dispose of more than about 10 or 11 suits per month. This is mainly due to the comparative paucity of suits of a purely money nature among suit instituted in recent years. Thus the number of suits that might be expected to be disposed by the two Sub Judges between 1-10-46 and 14-12-46 is about 25. There will therefore be a pendency of about 166 original suits on 14-12-46 - about 12 more than the number pending on 30-9-46 and 73 more than the number pending on 15-6-1943 when the additional Sub Judge began to function in the sub court. | A

10. The abolition of the post of the Additional Sub Judge at this juncture will have the effect of further increasing the original suit file, because one officer will not be able, in the present circumstances, and even forecasting fewer institutions next year, to reduce the heavy pendency to within 90 which may be considered to be the normal pendency of original suits in that court. I, therefore, recommend that the term of sanction of the Additional Sub Judge which is due to expire on 14-12-46 may be extended by at least one year from that date. | B

Additional District Munsif of Udipi.

11. An additional District Munsif was first sanctioned to the District Munsif's court, Udipi, with effect from 2-1-1946 in G.O.Ms. No.4523 Home Department, dated 20-12-45, for a period terminating with the commencement of the summer recess of that court. The court closed for the summer recess on 30-4-1946. The additional officer was again sanctioned with effect from 3-6-1946 (the date of reopening of that court after the summer recess) for a period of six months. The sanction is due to expire on 2-12-1946.

12. The total pendency of suits and the pendency of old suits in the District Munsif's court, Udipi, stood at a high level for a long time since 1943. On 31-12-1943, the pendency stood at 354 (145 old), on 31-12-44 at 351 (140 old), on 31-12-45 at 368 (162 old). The number of suits disposed of in 1944 was 458 as against 446 instituted and the number disposed of in 1945 was 454 as against 458 instituted. The number of suits instituted in the current year up to 30-9-46 is 374 and the number disposed of is 459, by the two officers.

13. The number of original suits pending on 30-9-1946 was 291, out of which 73 were over a year old. Though the total pendency has been only slightly reduced (of 291 with 354 on 31-12-1943) the pendency of old suits, however, has been reduced by about 50% (of 73 ~~old~~ suits with 145 on 31-12-43). The Principal District Munsif of Udipi reports that 14 suits are likely to become old by 2-12-1946 with the result that there will be 87 (73 plus 14) old suits to be disposed of by 2-12-46. And taking an average of about 10 suits for officer per month, 40 old suits are likely to be disposed of in the months of October and November leaving about 47 old suits on 2-12-1946. A total pendency of about 300

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suits and a pendency of about 50 old suits cannot be regarded as heavy. In the circumstances, I do not recommend the extension of the term of sanction of the Additional District Munsif to the District Munsif's court of Udipi beyond 2-12-1946 when the present term expires.

14. Statements in duplicate showing the institutions, disposals and arrears in this court and in the subordinate courts for the year 1945 and for the current year up to 30-9-1946 are submitted herewith.

(True copy)

Sub Assistant Registrar,
14.11.46
Administrative Department.

MA

Statement showing the institutions, disposals and arrears in the District Court of South Kanara for the year 1945 and for the current year 1946 up to 30-9-1946

Period presided over From	To	Name of the presiding officer
1-1-1945	1-6-1945	B.Koman, Esq., I.C.S.,
2-6-1945	8-7-1946	K.Srinivasan, Esq., I.C.S.,
9-7-1946	8-9-1946	P.Ramalingam, Esq., I.C.S., Bar-at-law.,
9-9-1946	30-9-1946	K.Srinivasan, Esq., I.C.S.,

	Instituted.	Disposed of after full trial	Disposed of Total	Pending Total	Pending Old
1945 Sessions Cases					
B. Koman, Esq.,		4	4	--	--
K.Srinivasan, Esq.,		26	26	--	--
Total for the court	54	30	30	5	1
1946					
K.Srinivasan, Esq.,		13	13		
P.Ramalingam, Esq.,		8	8		
K.Srinivasan, Esq.,		1	1		
Total for the court	25	22	22	3	--
1945 Criminal Appeals					
B.Koman, Esq.,		33	33		
K.Srinivasan, Esq.,		132	132		
Total for the court	163	165	165	16	--
1946					
K.Srinivasan, Esq.,		42	42		
P.Ramalingam, Esq.,		43	43		
K.Srinivasan, Esq.,		8	8		
Total for the court	80	93	93	3	
1945 Criminal Revision Petitions					
B.Koman, Esq.,		1	1		
K.Srinivasan, Esq.,		4	4		
Total for the court	4	5	5		
1946					
K.Srinivasan, Esq.,		--	--		
P.Ramalingam, Esq.,		--	--		
K.Srinivasan, Esq.,		--	--		
Total for the court		--	--		
1945 Original Suits					
B.Koman, Esq.,		-	3		
K.Srinivasan, Esq.,		3	3		
Total for the court	-	3	6	3	2
1946					
K.Srinivasan, Esq.,		2	2		
P. amalingam, Esq.,		-	1	1	
K.Srinivasan, Esq.,		--	--		
Total for the court	1	2	3	2	

	Instituted	Disposed of		Pending	
		After full trial	Total	Total	Old
Appeals					
n, Esq.,		83	87		
ivasan, Esq.,		110	119		
for the court	516	193	206	200	91
ivasan, Esq.,		89	92		
lingam, Esq.,		31	32		
ivasan, Esq.,		14	14		
fo the court	381	134	138	827	40
Miscellaneous Appeals					
n, Esq.,		18	21		
ivasan, Esq.,		26	29		
for the court	36	44	50	23	9
ivasan, Esq.		23	23		
lingam, Esq.		12	13		
ivasan, Esq.,		5	5		
for the court	32	40	41	13	6
al Petitions					
n, Esq.,		8	49		
ivasan, Esq.,		40	146		
fot the court	192	48	195	49	15
ivasan, Esq.,		12	80		
lingam, Esq.,		4	25		
ivasan, Esq.,		4	20		
for the court	120	20	125	46	11

ict Court, South Kanara,)
)
ore, 19th October 1946

District Judge.

Statement showing the institutions, disposals and arrears in Subordinate Judge's Court, Mangalore, for the year 1945.

Name of the presiding officers.	Period presided over From	To
Sri E.Krishnamurthi, M.A., B.L., as sole Sub-Judge.	1-1-1945	4-1-1945
Do. as Addl. Sub-Judge	5-1-1945 2-6-45	1-4-1945 and 31-12-1945.
Sri A.Parameshwara Ayyar, B.A., B.L., Principal Sub-Judge	5-1-45	2-3-45
Sri S.Narasimhulu, B.A., Prnl.Sub-Judge.	2-6-45	31-12-45

Nature of Proceedings.	Institu-ted.	Disposed of After full trial	Disposed of Total	Pending. Total	Pending. Old
ORIGINAL SUITS.					
Sri E.Krishnamurthi		45	64	69	24
" A.Parameshwara Ayyar		6	12	..	..
" S.Narasimhulu		29	49	69	20
Total for the court.	106	80	125	138	44
SMALL CAUSE SUITS.					
Sri E.Krishnamurthi		31	123	39	9
" S.Narasimhulu		..	1	..	..
Total for the court	126	31	124	39	9
CIVIL APPEALS.					
Sri E.Krishnamurthi		245	245	92	5
" A.Parameshwara Ayyar		54	54	.	..
" S.Narasimhulu		149	149	101	2
Total for the court	..	448	448	193	7
ORIGINAL PETITIONS.					
Sri E.Krishnamurthi	54	24	59	21	7
MISCELLANEOUS PETITIONS (including M.A.Cs.)					
Sri E.Krishnamurthi		85	1234	123	29
A.Parameshwara Ayyar		48	307	..	..
" S.Narasimhulu (M.A.Cs. also)		107	881	101	43
Total for the court	2339	240	2422	224	72
EXECUTION PETITIONS.					
Sri E.Krishnamurthi (S.E.Ps.)		125	125	21	2
" A.Parameshwara Ayyar		66	66	..	..
" S.Narasimhulu (S.E.Ps.)		176	176	57	17
Total for the court	308	367	367	78	19
INSOLVENCY PETITIONS.					
Sri E.Krishnamurthi	13	8	10	8	2
SESSIONS CASES.					
Sri A.Parameshwara Ayyar		2	2	..	..
" S.Narasimhulu		17	17	..	..
Total for the court.	..	19	19	3	..

District Court, South Kanara,
Mangalore, 19th October 1946.

District Judge.

Statement showing the institutions, disposals and arrears in the Subordinate Judge's Court, Mangalore for the current year 1946 up to 30-9-1946.

Name of the presiding officers.	Period presided over From	To
Sri S.Narasimhulu, B.A., Principal Sub Judge.	1-1-1946	30-9-46
Sri E.Krishnamurthi, M.A., B.L., Addl. Sub Judge.	do.	do.

Nature of Proceedings.	Instituted.	Disposed of After full trial	Disposed of Total	Pending Total	Pending Old
ORIGINAL SUITS.					
Sri S.Narasimhulu		43	65	78.	10
" E.Krishnamurthi		41	64	76	10
Total for the court	* 133	84	129	154	20
*Excluding 11 suits received by transfer.					
SMALL CUASE SUITS.					
Sri E.Krishnamurthi	102	84	95	29	5
CIVIL APPEALS.					
Sri S.Narasimhulu	..	156	156	58	22
" E.Krishnamurthi	..	145	145	50	20
Total for the court	..	301	301	108	42
CIVIL MIS. APPEALS.	..	..	..	..	..
ORIGINAL PETITIONS.					
Sri S.Narasimhulu		1	1	..	..
" E.Krishnamurthi	..	20	50		
Total for the court.	45	21	51	16	3
LAND ACQUISITION CASES.					
Sri S.Narasimhulu	1	21	21	1	1
EXECUTION PETITIONS.					
Sri S.Narasimhulu		168	168	88	22
" E.Krishnamurthi		62	62	21	3
Total for the court	253	230	230	109	25
Miscellaneous Petitions.					
Sri S.Narasimhulu		132	892	112	26
" E.Krishnamurthi		72	859	112	26
Total for the court.	1744	204	1751	224	52
INSOLVENCY PETITIONS.					
Sri E.Krishnamurthi	10	8	11	7	4
SESSIONS CASES.					
Sri S.Narasimhulu	..	8	8	..	..

District Court, South Kanara,
Mangalore, 14th October 1946.

District Judge.

Statement showing the institutions, disposals and arrears in the several District Munsifs' courts in the District of South Kanara for the year 1945 and the current year up to 30-9-1946

Name of the presiding Officer	Period presided over	Instituted	Disposed of		Pending	
			After full trial	Total	Total	Old
District Munsif's Court, Coondapur						
Original Suits						
1945						
Sri U.Narayana Rao (Additional District Munsif from 10-4-45 to 1-6-45 and 7-9-45 to 24-12-45 and sole District Munsif from 25-12-45 to 31-12-45)	1-1-45 to 31-12-45		117	313	--	--
A.Rahim Ahmad Saheb Additional District Munsif	1-1-45 to 9-4-45 and 2-6-45 to 6-9-45		73	229		
Sri E.Krishnamurthi Principal District Munsif	10-4-45 to 1-6-45		6	11		
Sri M.Ramamurthi Principal District Munsif	7-9-45 to 24-12-45		57	137		
Total for the court		504	253	690	249	36
1946						
Sri U.Narayana Rao	1-1-46 to 30-5-46		41	149		
" M.R.Kini	3-6-46 to 30-9-46		61	261		
Total for the court		480	102	410	340	28
Small Cause suits						
1945						
Sri U.Narayana Rao (Additional District Munsif from 10-4-45 to 1-6-45 and 7-9-45 to 24-12-45 and sole District Munsif from 25-12-45 to 31-12-45)	1-1-45 to 31-12-45		32	337		
A.Rahim Ahmad Saheb Additional District Munsif	1-1-45 to 9-4-45 and 2-6-45 to 6-9-45		17	196		
Sri E.Krishnamurthi Principal District Munsif	10-4-45 to 1-6-45		1	9		
Sri M.Ramamurthi Principal District Munsif	7-9-45 to 24-12-45		10	118		
Total for the court		646	60	660	88	3
1946						
Sri U.Narayana Rao	1-1-46 to 30-5-46		9	203		
" M.R.Kini	3-6-46 to 30-9-46		27	322		
Total for the court		590	36	525	157	4
District Munsif's Court, Karkal						
Original Suits						
1945						
Sri B.Koragappa	1-1-45 to 31-12-45	440	143	457	295	58
1946						
Sri B.Koragappa	1-1-46 to 31-5-46		47	139		

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Name of presiding officer	Period presided over	Instituted	Disposed of After full trial	Disposed of Total	Pending Total	Pending Old
Mr. D.Noronha	3-6-46 to 30-9-46		47	175		
Total for the court		346	94	314	330	77
Small Cause suits						
1945						
Sri B.Koragappa	1-1-45 to 31-12-45	361	57	349	63	1
1946						
Sri B.Koragappa	1-1-45 to 31-5-46		12	111		
Mr. D.Noronha	3-6-46 to 30-9-46		24	159		
Total for the court		273	36*	270	68	7
District Munsif's Court, Kasaragod						
Original Suits						
1945						
Mr. P.A.Nazareth Principal District Munsif	1-1-45 to 31-10-45		204	443		
Sri A.M.K.Nambudripad Additional District Munsif and Principal District Munsif	1-1-45 to 31-10-45 and 1-11-45 to 31-12-45		224	464		
Mr. T.V.B.C.Colaco Additional District Munsif	1-11-45 to 31-12-45		29	59		
Total for the court		698	457	966	756	161
1946						
Sri A.M.Krishnan Nambudripad Principal Dt.Munsif	from 1-1-46 to 30-9-46		122	285		
Mr. T.V.B.C.Colaco, Additional District Munsif	1-1-46 to 18-4-46 and 3-6-46 to 30-9-46		120	281		
* was on leave from 10-6-46 to 28-6-46						
Total for the court		594	242	566	821	213
Small Cause suits						
1945						
Mr. P.A.Nazareth Principal District Munsif	1-1-45 to 31-10-45		74	246		
Sri A.M.K.Nambudripad Additional District Munsif and Principal District Munsif	1-1-45 to 31-10-45 and 1-11-45 to 31-12-45		41	239		
Mr. T.V.B.C.Colaco, Additional District Munsif	1-1-45 to 31-12-45		7	45		
Total for the court		533	122	530	137	46
1946						
Sri A.M.K.Nambudripad Principal District Munsif	1-1-46 to 30-9-46		30	148		
Mr. T.V.B.C.Colaco, Additional District Munsif	1-1-46 to 18-4-46 and 3-6-46 to 30-9-46		37	171		
Total for the court		348	67	319	171	54

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Name of the presiding officer	Period presided over	Instituted	Disposed of		Pending
			After full trial	Total	Total Old
District Munsif's Court, Mangalore					
Original suits					
1945					
Sri D.Subba Rao	1-1-45 to 16-10-45		159	320	
Muhammad Ghouse Saheb Bahadur	23-10-45 to 31-12-45		37	97	
Total for the court		400	196	417	314 54
1946					
Mohammad Ghouse Saheb Bahadur	1-1-46 to 11-9-46		112	285	
Sri V.Ramaswamy Ayyar	12-9-46 to 30-9-46		6	24	
Total for the court		333	118	309	352 63
Small Cause suits					
1945					
Sri D.Subba Rao	1-1-45 to 16-10-45		98	408	
Muhammad Ghouse Saheb Bahadur	23-10-45 to 31-12-45		36	160	
Total for the court		514	134	568	95 15
1946					
Mohammad Ghouse Saheb Bahadur to 11-9-46 as District Munsif and Principal Small Cause Judge	1-1-46		38	247	
Mr. A.M.[illegible], as Additional Small Cause Judge	from 15-6-46 to 30-9-46		50	191	
Sri V.Ramaswamy Ayyar as Principal Small Cause Judge and District Munsif.	12-9-46 to 30-9-46			7	
Total for the court		506	88	445	180 18
District Munsif's Court, Kuttur					
Original suits					
1945					
Mohammad Ghouse Saheb Bahadur	1-1-45 to 16-10-45		152	330	
Mr. P.A.Nazareth	6-11-45 to 31-12-45		24	63	
Total for the court		358	176	393	254 19
1946					
Mr. P.A.Nazareth	1-1-46 to 30-9-46	370	127	321	302 17
Small Cause suits					
1945					
Mohammad Ghouse Saheb Bahadur	1-1-45 to 16-10-45		46	212	
Mr. P.A.Nazareth	6-11-45 to 31-12-45		7	42	
Total for the court		260	53	254	52 11
1946					
Mr. P.A.Nazareth	1-1-46 to 30-9-46	210	50	208	57 2
District Munsif's Court, Udipi.					
Original Suits					

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Name of the presiding officer	Period presided over	Instituted	Disposed of		Pending	
			After full trial	Total	Total	Old
Dt. Munsif Court, Mangalore.						
Original Suits.						
1945						
Mr D.Noronha	1-1-45 to 31-12-45	458	156	454	368	162
1946						
Sri M.Ramamurthi Principal District Munsif	1-1-46 to 18-4-46		51	125		
Mr. D.Noronha Additional District Munsif and sole District Munsif from	19-4-46 to 2-6-46		49	94		
Mr. E.Gonsalves Principal District Munsif	3-6-46 to 30-9-46		35	119		
Sri K.Venkatarangayya Additional District Munsif	3-6-46 to 30-9-46		30	121		
Total for the court		374	165	459	291	73
Small Cause suits						
1945						
Mr D.Noronha	1-1-45 to 31-12-45	597	72	538	169	92
1946						
Sri M.Ramamurthi, Principal District Munsif from	1.1-46 to 18-4-46		15	118		
Mr. D.Noronha additional District Munsif	1-1-46 to 18-4-46 and ~~Principal~~ Jaa District Munsif from	19-4-46 to 2-6-46	23	101		
Mr. E.Gonsalves, Principal District Munsif from	3-6-46 to 30-9-46		5	112		
Sri K.Venkatarangayya Additional District Munsif from	3-6-46 to 30-9-46		11	134		
Total for the court		432	54	465	138	16

District Court, South Kanara,)
)
Mangalore, 19th October 1946)

District Judge.

70/4[illegible]

Home dept.

Courts – civil – South Kanara Dt – Appointment of addl. sub judge, MANGALORE – Continuance sanctioned — Appointment of addl. district munsif, UDIPI – Abolished

Read again:

G.O. No. 4603 Home Dt 10-12-45

G.O. No. 1160 Home Dt 15-4-46

Read also: From the High Court, Roc. No. 4872/46 S 2 dated 12-11-46.

G.O. Ms. No. 3851 dated 6.12.46.

His Excellency the Governor of MADRAS hereby —

(1) directs that the appointment of the additional district munsif, UDIPI and the establishment sanctioned in G.O. No. 1160 Home dated 15.4.46 be abolished with effect from the 3rd December 1946; and

(2) sanctions the continuance for a further period of one year from the 15th December 1946 of the appointment of the additional sub judge, MANGALORE with the establishment, the retention of which was last sanctioned in G.O. No. 4603 Home dated 10.12.45

2. The expenditure should be met from the appropriation under "27 f – Admn. of Justice – B – Mufassal Civil and Sessions Courts – Regular Establishments – Voted".

3. The following notification will be published in the Fort St. George Gazette :-

Notification

Under Section 4 of the Madras Civil Courts Act, 1873 (III of 1873), as amended by Madras Act III of 1925, His Excellency the Governor of Madras, after consultation with the High Court, hereby directs that the number of district munsifs to be appointed to the district munsif's court, UDIPI in the district of SOUTH KANARA shall be one with effect from the 3rd December 1946.

Dec 12 Wb.

Dec 4.12 Wb.

To
The Hon'ble C.J.
The Dt. Judge, S. Kanara
The S.G. for publication
of notn. with J.S.G.
Orange (Yana 3 July)
The Addl. Govt. Secy.
Fin. Dept.

Home Dept.

(C.No.5413/46) Courts - Civil - SOUTH KANARA - Dist. - Appointment of - addl. Sub-Judge, MANGALORE - Junior continuance -

- Appt. of addl. - Dt. Munsif, Udipi - Additional charge -

- 23/12/46. - Bill (Rejn. -) -

Mp 1-2 cf. - Reference from the High Court, dated 16/12/46: D.2.d/12/11/46.

The Dt. Judge, South Kanara has forwarded proposals for the continuance of the term of the addl. Sub-Judge Mangalore and for the abolition of the post of addl. Dt. Munsif, Udipi. The proposals are examined below.

Mp 3-5 cf.

Appointment of addl. Sub-Judge, Mangalore

The post of addl. Sub-Judge, Mangalore was first sanctioned vide G.O. No. 5579 Home d/18/6/43. The post was continued from time to time and the last sanction is contained in G.O. No. 4463, Home d/10/12/45 expires on 18/6/46. The Dt. Judge, South Kanara now requests that the said Sub-Judge's post may be continued by at least a period of one year with effect from 18/6/46 - vide paragraphs 9 and 10 on page 4 cf.

Mp 21-22 cf. (d)

Mp 1-4 g (n) G.O. B74 Home 17/11/43

Mp 11-12 cf. (c)

para 1n, page

para 1 p1 cf.

The Hon. the Judges recommend that continuance be given to the appointment for a period of 3 years from 18/12/46 and in support of their recommendation, Mangalore the following which the addl. Sub-Judge was first created and later continued, and the cases pending on 30/9/46 are shown below:-

	Original Suits	Small Cause suits	Appeals.
15.7.43	84(34)	1777	1228
30.9.46	45/46(28)1224	638	2200
	154(120)	29 (5)	108(96)

Appointment (c)

Complt cf.

Complt cf.

For the following statement showing the disposals in the Sub-Judge's Court, Mangalore since 1943.

070

Statement

Year	Original suits: Pending at beginning	Instituted	Disposed of	Pending at end	Appeals: Pending at beginning	Instituted	Disposed of	Pending at end	
1943	114	119(20)	102	127	125	94	259		cp Statement
1944	109	88	144(51)	118	105	38	175	138	
1945	106	100	138(42)	126	124	30	446	193	hpcy
1946 (to 30/9/46)	133	129	84	154(20)	102	29	301	108	h11 cy.
1946 (to 31/12/46)				145					

M

Excluding 11 suits received by transfer — M on page 11 cy.

It will be seen from the above that the number of disposals under O.S. in 1946 is the highest since 1943. The pendency has increased and is stated to be due to the heavy filing of this year. cf. x on p4 cy. The Hon. Judge expects that there will be 166 original suits pending as on 14/12/46, the date of leaving of the present session. On the basis of the disposals of 56 days (upto full time) during the pendency of Sub-Judge, Mangalore for more than a year, a single Judge cannot dispose of the arrears pending as on 30/9/46 even if he does nothing else. In the circumstances, the recommendation of the High Court's may be accepted. R on p16

x cp SR § 56 ... (appx I)

A on page 4 cy

x on p 4 cy

The High Court has stated that the necessary provision has been made in the current year's budget and in the draft budget for 1947-48 for the retention of the addl. Sub-Judge, Mangalore.

Y on p2 cy

4. Abolition of the additional dt. munsif, Udipi

The term of appt. of an addl dt munsif in the D.M.C. Udipi sanctioned for a period of 6 months from 3/6/46 in G.O.No. 1160 Home dt. 15/4/46 expires on 2/12/46. The Hon. the Judges recommend the abolition of the addl dt. munsif and stay will appear from 3/12/46. The recommendation of the High Court may be accepted. The Finance

A on p 7 (F)

X on p2 cy

7a

54134 — ~~g~~ ~~[illegible]~~. The Finance dept. may see for
29/2-12-46 remarks before circulation.

21/11/46 21.11.46

21.11.46 22/11/46

Home 54134 E/46

Finance Dept.

In the circumstances set out on pp 1-2 above, the proposal of the Home Dept to sanction the continuance of the terms of the additional Sub-Judge Manpalam and his staff for a period of one year with effect from 15.12.46 and the abolition of the post of additional District Munsif in the District Munsifs Court Udupi with effect from 3.12.46 and staff may be agreed to in this dept and the case returned to Home.

63849 E1

22 NOV 1946

FINANCE DEPARTMENT

Finance no. 63849 E1/46
28-11-46

27/11/46 27/11/46

28/11/46

Home

Home Dept.

57193
30/11/46

This file deals with the proposal of the High Court to extend the term of the additional Sub-Judge, Manpalam, and his staff for a period of one year from 15/12/46, and the abolition of the post of Addl. Dist. Munsif, Udupi with effect from 3/12/46. This dept accepted the proposal. The Finance dept have agreed.

May be circulated to H.M. Law for orders.

30 NOV 1946

HOME DEPARTMENT

pp 1-2 cf

2) As in pp 2 above.

30/11/46 30/11/46 2/12/46

H.M./Law

3/12/46

3 DEC 1946

HOME DEPARTMENT

2/12/46

3/12/46

4 5

1 A draft order is enclosed for approval

JR
Inv. sub

4.12.06

Letter/Rg. No. 3625/E/47-1 Home Dept. d. 27.1.47.

To

The Hon'ble the Chief Justice,
High Court, Madras.

Hon'ble Sir,

Court - Civil - SOUTH KANARA district - Additional Sub Court, MANGALORE - ~~Continuance during~~ 1947-48.

I am directed to say that it has been represented to Govt. that there is not enough work for the additional Sub Court MANGALORE and that the work of the St. Judge closes daily by 1 P.M. It has therefore been suggested that it would be sufficient to continue the addl. Sub Court at MANGALORE till the commencement of the summer recess for 1947-48. I am to request that the Hon. the Judges will be so good as to offer

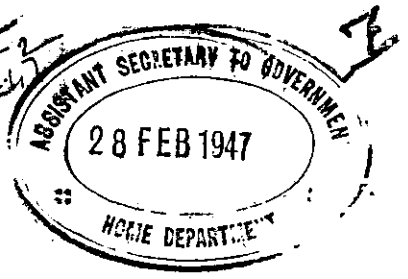
P.T.O

their remarks on this suggestion

12871

R.O.C.No.639/47-D2.

28.2.47



From

P.T. Raman Nayar, Esq., I.C.S.
Registrar, High Court, Madras.

To

The Secretary to Government,
Home Department (with enclosure)

Dated 25th February, 1947.

Sir,

Courts - Civil - South Kanara district - Additional Sub-Judge, Mangalore - Continuance during 1947.

Ref: Home Department's letter No.3625 E/47-1 dated 27-1-47 and reminder thereon No.3625-E/47-2 dated 22-2-47.

I am to forward a copy of letter No.A.62/47 dated 8-2-1947 from the District Judge, South Kanara on the above subject and to state that the Hon'ble the Judges consider that there is ample work justifying the retention of the additional Subordinate Judge, Mangalore for the full term i.e. till the end of December 1947 sanctioned in G.O.No.M.S.3851(Home) dated 6.12.46.

Note 16.12.47
P.P. 17.12.47 (Y)

The District Judge has promised a further report in the matter during the first week of April 1947. It will be forwarded to Government on receipt, with remarks of the High Court, if any.

P.T. Raman Nayar
27/2/47

REGISTRAR.

PAG.

Copy of letter No.A.62/47 dated 8th February, 1947 from the District Judge of South Kanara, to the Registrar, High Court, Madras.

Sub: Courts - Civil - South Kanara District - Additional Sub Court, Mangalore - continuance during 1947-48 Report submitted.

Ref: High Court R.O.C.No.639/47-D2 dated 30-1-1947 communicating copy of letter No.3625/E/47-1 dated 27-1-1947 from the Secretary to Government, Home Department, Madras, to the Hon'ble the Chief Justice High Court, Madras.

With reference to the above communication, I have the honour to set forth the following facts:-

2. An additional Subordinate Judge was first sanctioned to the Sub Court in G.O.No.5579, Home Department, dated 8-4-1943 on the recommendation of this court made in Dis.No.226/43 dated 7-3-1943. The reason for recommending an additional Subordinate Judge was the abnormally heavy pendency of appeals in the district. It was pointed out then that the pendency of appeals stood at 1029 out of which 710 were over 6 months old, and that it would not be possible for the District Judge and a single Subordinate Judge to cope with the work. On 28-2-1943 the number of original suits pending in the Sub Court was 78 of which 20 were over a year old. The Additional Subordinate Judge began to function on 15-6-1943. On that date the number of original suits was 93, 20 being one year old. The number of appeals pending in the district was 1013.

3. The period of sanction of the Additional Subordinate Judge's Court was being extended from time to time, and the last of such extensions has been granted for a year from 15-12-1946 in G.O.Ms.No.3851, Home Department, dated 6-12-1946 on the recommendation of this court in letter A.No.702/46 dated 19-10-46.

4. In this court's recommendation the extension of the term of sanction was sought chiefly on the ground of the pendency of original suits in the Sub Court. The reason for the original sanction, namely, that of the heavy appellate file had ceased to exist. This fact is made clear in paragraph 5 of letter A. No.702/46 quoted above.

5. I am appending below a tabular statement showing the institution, disposal, and pendency of appeals and original suits between 1943 and 1946. It shows that on an average 500 appeals are filed, and the disposal by the District Judge, and the two Subordinate Judges during the above period has been between 600 and 700 per year with the result that the very heavy appellate file has been brought down to a reasonable level.

I

Statement showing the institution, disposal and arrears of Civil Appeals in the district of South Kanara for 1943, 1944, 1945 and 1946.

	1943	1944	1945	1946
Regular appeals instituted during the year ..	426	459	516	510
Disposed of during the year	618	699	654	600
Pending at the end of the year	765	528	398	323
No.of old appeals pending	566	221	141	49

II

Statement showing the institution, disposal and arrears of original suits in the Sub Court, South Kanara, for 1943, 1944, 1945 and 1946.

Instituted during the year	114	109	106	173
Disposed of during the year	92	88	125	189
Disposed of after full trial	57	54	80	121
Pending at the end of the year	111	144	138	135
No.of old suits pending	20	51	44	9

6. The position with regard to the institution and disposal of original suits is somewhat different. From a pendency of 93 original suits, out of which 20 were one year old on 15-6-1943, there has been a progressive rise both in the institution and the disposal, but the pendency at the end of each of the successive years has remained steady at about 140 suits on the average. In spite of the fairly high disposal of original suits in 1945 and 1946 the pendency of original suits has tended to be stationary at about 130 suits.

7. In October last when the recommendation for the extension of the term of the Additional Subordinate Judge was made the pendency of original suits stood at 154. (In the years 1939-43 the institution was 96,87,80 and 73 respectively. I invite reference to the fact that an Additional Sub Court was sanctioned from 12-6-1939 when the pendency of original suits was 140(68)and was withdrawn when the pendency fell to 95(35)). Taking the normal pendency for a Sub Court at about 90 suits it will be seen that there was a pendency of more than 50 percent above the normal. It was also anticipated on the basis of the institutions during the preceding 9 months that 37 more suits would be filed before the term of sanction expired on 14-12-1946. On the basis of these figures and making allowance for the disposal of 25 suits till 14-12-1946, it was computed that there would be a pendency of more than 166 suits on 14-12-46, a figure which was considered to justify the recommendation for an extension. As matters turned out, however, while the institution during the last 3 months was about the computed average being 42 till 23-12-46, the disposal by the two Subordinate Judges during October, November and December was actually 60, of which only 37 were after full trial. This resulted in lowering the pendency from 154 at the end of September to 135 only at the end of December 1946.

8. The necessity for the continuance of the Additional Subordinate Judge cannot be decided solely on the file of Original and Appeal Suits. There is a large volume of other miscellaneous work, which has also to be taken note of, and which on the abolition of the additional Court has to be dealt with by the remaining Judge. That would necessarily reduce the time at his disposal for dealing with original suits and appeals. Consequently a single Subordinate Judge, who has to attend to all the other miscellaneous work of the court, cannot show such a high rate of disposal as has been obtaining during the last 3 years.

9. The total work that the 2 Subordinate Judges have turned out during 1946 under the several heads is given below:-

Statement

Statement showing disposals by the two Sub Judges under several heads during 1946.

	Instituted		Disposed of: After full trial	Disposed of: Total.	Pending at end of 1 year: Total	Pending at end of 1 year: Old
Original suits		P.S.J.	60	95	135	9
		A.S.J.	61	94		
	173	Total:	121	189		
Small Cause suits (by A.S.J.only)	134		35	130	26	5
Appeal suits			--	215	185	23
				196		
				411		
Civil Miscellaneous Appeals (by A.S.J.only)	--		--	3	--	--
Original petitions, Land Acquisition Cases, and other Mis.Petitions. (O.P.by A.S.J.only) (L.A.C.by P.S.J.only)	2444		229	1275	217	83
			124	1261		
			353	2536		
Execution petitions	273	R.E.P.		251	88	
R.E.P:by P.S.J.	77	S.E.P.		85	14	
(S.E.P. by A.S.J)				336	102	
Insolvency petitions (by A.S.J.only)	13		--	14	7	2
Sessions cases (by P.S.J. only) as Asst.Sessions Judge	--		8	10	--	--

It will be seen from the above figures that the withdrawal of the Sub Court at this stage would mean that a single Subordinate Judge would have to deal with the other miscellaneous items of work

work with the result that his disposal both under original suits and appeals would fall. It may also be noted that the Subordinate Judge has powers of Assistant Sessions Judge, and on an average 10 to 15 sessions cases would have to be tried by him. In addition, the Subordinate Judge has to deal with the appeals arising out of Madras Buildings (Lease and Rent Control) Act. In 1947, 25 such appeals have been filed up to date. It would be impossible to expect that he would be able to dispose of more than 7 original suits and about 15 Civil appeals per month. Considering the rate of filing of both suits and appeals the pendency would start steadily mounting up, and within 3 or 6 months, as the case may be, the state of the file would be such that a fresh recommendation for an Additional Sub Court would have to be made. If, however, the Additional Court is continued till the normal pendency of the Sub Court is reached, the necessity for asking for an Additional Court can be avoided for a longer period.

10. For these reasons as well as for the reason that even a pendency of 130 suits represents a 50 per cent increase over the normal file of the Sub Court, the term of extension of the Additional Sub Court was recommended.

11. It is extremely incorrect to say that there is not enough work for the Additional Sub Court, or that the work of the District Judge closes daily by 1 P.M. The quarterly statement of institution and disposal covering the period September to December 1946 and the statements of the previous quarters are already before Their Lordships, and a scrutiny of those statements would be a sufficient answer to the above incorrect statement. In so far as the District Court is concerned I am giving a tabular statement of figures of disposals under the various heads during the past two years.

Statement

Statement ~~xxx~~ showing the institutions, disposals and arrears in the District Court, South Kanara, under several heads for the years 1945 and 1946.

		Instituted.	Disposed of after full trial.	Disposed of Total.	Pending at the end of the year Total	Pending at the end of the year Old.
Sessions Cases	1945	54 ✓	30	30	5	1
	1946	41 ✓	25	28	3 ✓	---
Criminal Appeals	1945	163 ✓	--	165	16	--
	1946	88 ✓	--	102 ✓	3	--
Criminal Revision Petitions	1945	4	--	5	--	--
	1946	1	--	1	--	--
Original Suits	1945	--	3	6 ✓	3	--
	1946	--	5	6 ✓	2	--
Civil Appeals	1945	516	--	206	200	91
	1946	510	--	189 ✓	138	26
Civil Miscellaneous appeals	1945	36	--	50	23	9
	1946	46	--	37	19	5
Original petitions	1945	192	48	195	49	15
	1946	164	37	182	33	8

12. In addition to murder cases or other cases of sufficient importance to be dealt with by the Sessions Judge the entire file of Criminal appeals, Civil Miscellaneous Appeals, Petitions under the Guardians and Wards Act, and other miscellaneous petitions have to be dealt with in the District Court. The time at the disposal of the District Judge for the disposal of Original Suits, (other than those which ~~xx~~ are exclusively triable by the District Court) and appeals, is to a large extent determined by the number of Sessions

cases,

cases, and by the file of the Criminal Appeals. I need hardly add that the disposal of Sub Court appeals calls for a greater amount of time. From the figures given above it would be seen that during 1945 and 1946 the file of Criminal Appeals was very high. The number of sessions cases tried by the Sessions Judge has been more or less stationary at 30. In addition to this a larger number of original suits has been disposed of in these two years by the District Judge. I may also state here that in order to relieve the Subordinate Judges, some suits, both Original suits and Appeals, were withdrawn, and disposed of by this court last year. But such occasions must of necessity be infrequent for the reasons that I have already stated. I may also be allowed to state that it is not possible to withdraw suits or appeals at short notice from the file of the Sub Court as it leads to considerable practical difficulties for the lawyers concerned. The work in the superior courts is concentrated in a few hands, and the lawyers find it next to impossible to adjust their work at such short notice, and to prosecute the suits in which they were appearing in more than one court. I have had to contend with this practical difficulty when on account of sudden want of work in the District Court on a few days I withdrew some appeals from the Sub Court.

13. An additional item of work which has now been entrusted to the District Judge is the Beedi adjudication, which covering as it does both South Kanara and Malabar districts is taking up a great deal of time.

14. With the reduced pendency of appeals it has become almost a normal feature for appeals to be taken up for hearing as soon as notices have been served, and parties enter appearance. Even on the dates of the "first hearing", appeals are taken up and disposed of. I have had it represented to me on more than one occasion that the vakils have not been "suitably instructed", and unless one or two further adjournments

adjournments are granted the vakils would not be in a position to realise their fees. The figures of pendency show that there are very few over 6 months old appeals. I am afraid that this is the difficulty felt by the vakils, which has taken the form of the present representation that there is not enough work to justify the continuance of the Additional Sub Court. I may remark here that even in 1945 when the recommendation for the extension of the Additional Sub Court was made the Bar was not in favour of its extension, though the figures of pendency, institution and disposal would prove that but for such extension the figures of pendency would have assumed terrific proportions.

15. I would like to state here that at the time of the inspection of the Sub Court on 30-11-1946 I became aware of the rapid decline in the pendency of Original suits and appeals, chiefly due to the higher rate of disposal that obtained during the last quarter of 1946. By that time Their Lordships had accepted the recommendation for the extension of the term of the Additional Sub Court. I discussed this question with the Subordinate Judges. I myself intended to make a further report to the High Court by the end of March 1947 on considering the figures of pendency at the end of the first quarter of 1947 in case it became necessary to inform the High Court that the pendency did not justify the continuance of the Additional Sub Court. I would, in any event, have made a report early in April 1947 with regard to this matter.

16. In conclusion it seems to me that it is not desirable to withdraw the Additional Sub Court immediately. I would submit that the continuance of the Additional Sub Court is necessary till the Original Suit file in the Sub Court is brought to a normal level which, I believe, should be about 90 suits. Even if Their Lordships consider that a pendency

of

of 130 original suits is not too large for the Sub Court, the position has to be watched till the end of the first quarter of 1947. If Their Lordships so direct I shall make a further report during the first week of April 1947.

Sd. x x

District Judge.

(True Copy)

Sub-Assistant Registrar,
Administrative Department.

PAG.

HOME DEPARTMENT

MEMO NO. 3625 E/47-2 DATED 24-3-47

Sub:- COURTS - Civil - South Kanara District - Addl. Sub. Court, Mangalore - Continuance during 1947-48.

Ref:- Correspondence ending with the letter from the High Court, Roc.No.639/47-B.2, dated 25-2-1947.

The Registrar, High Court, is informed that Government await the further report referred to in para 2 of the letter cited.

To the Registrar, High Court, Madras.

[R.A. 15-4-47]

Rr Despd BS 22-4-47

21 Pub (E) 2775 Jue 22-4

H.Ct. No. 4 (thick)—5,002—28-11-41.

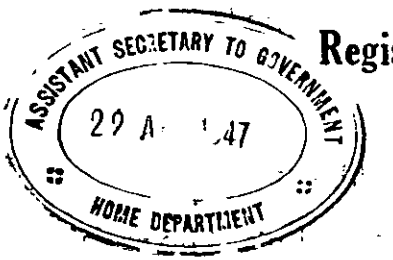
R.O.C No. 639/47-D2.

From

P.T. Raman Nayar, Esq.,I.C.S.,

Registrar of the High Court of Judicature,

Madras.



To

The Secretary to Government,
Home Department (with enclosure)

Dated, Madras, the 17th April, ***19*** 47.

Sir,

Subject: Courts - Civil - South Kanara district Additional Sub Judge, Mangalore - Continuance during 1947.

In

=2=

In continuation of High Court's letter Roc.No.639/47-D2 dated 25-2-47, I am to forward a copy of the further report received from the District Judge, South Kanara reiterating the necessity for the retention of the additional Sub Judge, Mangalore for the full period of sanction.

The Hon'ble the Judges consider that the reasons given in the report are very convincing and that there is a real need for the retention of the additional Officer till the middle of December 1947.

REGISTRAR.

PAG.

23

Copy of letter No.A.62/47 dated 2nd April 1947 from the District Judge of South Kanara, Mangalore to the Registrar, High Court, Madras.

Sub: Courts - Civil - South Kanara District - Additional Sub Judge, Mangalore - Continuance during 1947 - Further report - submitted.

Ref: High Court Proceedings Roc.No.639/47-D2 dated 25-2-1947.

I have the honour to submit the following further report in continuation of this Court's No.A.62/47 dated 8-2-47.

2. In October last, when the recommendation for the extension of the term of the Additional Sub Judge was made, the pendency of Original Suits in the Sub Court was 154, compared with 93 suits on 15-6-1943 when the Additional Sub Judge first began to function. On 31-12-1946 the pendency was 135 as compared with 131 on 31-1-1947.

3. During the first three months of this year, 1-1-1947 to 31-3-47, 46 suits have been instituted in the Sub Court and 45 disposed of, by the two Sub Judges. The number of Original Suits pending in the Sub Court on 31-3-1947 was 142.

4. As the High Court has called for full details bearing on the suggestion that the Additional Sub Court might be abolished at the commencement of the summer recess for 1947, it is necessary to make an estimate of the probable pendency in the event of such abolition. On the basis of the figures for the previous years I shall attempt to make a forecast of the probable pendency both on the date of the closing of the courts in April 1947 and at the end of the second statistical period

5. In April 1944, 14 suits were instituted in the Sub Court between 1-4-44 and 24-4-44, and 11 were disposed of. April 1945 was a vacation month. In April 1946, 21 suits were instituted between 1-4-46 and 21-4-46, and 15 were disposed of On the basis of the above institutions, and also upon

the

the rate at which suits have been filed during the first three months of this year, about 15 suits might be expected to be instituted in April before the court closes. A disposal of 12 suits might be anticipated. Even this is high considering that there are fewer working days in the month of April. On the basis of the above figures the pendency, when the court closes for the summer recess, would be 142 plus 15 minus 12 i.e. 145 suits.

6. On the assumption that the Additional Sub Judge will function even after the reopening of the court, the pendency at the end of the second statistical period would be about 144 suits. This is based upon the following data. Between 1-4-44 and 31-8-44, 34 suits were filed and 26 disposed of; between 1-4-45 and 31-8-45, 25 suits were filed and 39 disposed of; and between 1-4-46 and 31-8-46, 68 suits were filed and 56 disposed of. The average institution for the corresponding period between 1-4-47 and 31-8-47 might be taken as about 42. This is even lower than the rate at which suits have been filed in the first three months of the year. The average disposal during the second statistical period for the last 3 years is about 40. With two Sub Judges working the pendency as on 31-8-47 may be expected to be 142 + 42 − 40 i.e. 144 suits. This pendency is higher than the present pendency, and much larger than the normal pendency of 90 suits for the Sub Court.

7. It is hardly necessary to state that the pendency will be much higher if the Additional Sub Court is withdrawn at the commencement of the Summer recess. A single Sub Judge will not be able to dispose of even 20 suits because all the other Miscellaneous work of the court, which is being dealt with at present by both the officers, will have to be dealt with by one Officer. Even assuming that one

Officer

officer would be able to dispose of 20 Original Suits the pendency as on 31-8-47 may be expected to be not less than 164 suits.

8. The condition of the appellate file continues to be more or less stationary. On 31-12-1946, 323 appeals were pending. On 31-3-47 there were 340 pending. This shows a slight rise in the pendency — 153 of these were pending in the District Court and 187 in the Sub Court. During the first quarter of the current year the two Sub Judges were able to dispose of 112 appeals. The District Court disposed of only 30 appeals The low disposal in the District Court is due to the time taken both by Sessions work and by the Beedi adjudication proceedings which have accounted for more than 20 full working days during the last quarter.

9. The pendency of the appeals cannot be expected to go down appreciably in the near future. On the basis of the institutions and the disposals in the corresponding period of April in 1944 and 1946 there is a likelihood of an institution of 32 appeals and a disposal of about 40 to 50. The pendency on the date of the closing of the courts would be more or less the same as the present figures.

10. The pendency will not be reduced much further even if the two Sub Judges are working throughout the second statistical period. The institutions during the corresponding period of 1944, 1945 and 1946 were 144, 199 and 185 respectively. The disposals were 227, 182 and 193 respectively. During the first quarter of this year also an average of 50 appeals per month have been filed. It is, therefore, likely that 176 appeals might be filed in the second quarter and 200 might be disposed of. At the end of the second quarter, therefore, there would still be a pendency of roughly about 320 appeals, if the Sub Court is manned by two officers.

26

11. If. however, the Additional Sub Court is withdrawn at the commencement of the Summer recess the appellate file is bound to rise by about a hundred appeals.

12. It also goes without saying that various items of miscellaneous work, which the two officers are dealing with at present, will, in the event of the abolition of the Additional Court, have to be dealt with by a single officer, and ther would consequently be a rise in the arrears of execution petitions, miscellaneous petitions, Civil Miscellaneous Appeals arising out of the Madras Buildings (Lease and Rent Control) Act, etc.

13. The institution of suits in the Sub Court and appeals is on the same scale as in the previous years, and no tendency ~~kwo~~ towards a fall in such institutions is at all noticeable. On the basis of the figures set forth above, I would submit to Their Lordships that the withdrawal of the Additional Sub Court would certainly mean a sharp rise in the pendency, and this would only necessitate the restoration of the Additional Sub Court in the very near future after arrears of work accumulate. On the other hand the continuance of the Additional Court till the expiry of its present period of sanction i.e.14-12-1947 would mean a speedier disposal of suits and appeals without any break in the continued attempt which has been made by all the officers during the past 3 years, to bring down the pendency to a normal level.

14. I venture to make the above suggestion because under High Court Circular Roc.3642/1941-B2 dated 1-10-1941 the District Judge has been made responsible for seeing that the file of the District as a whole is kept under proper control.

It is, however, for Their Lordships to decide whether the state of the file is such that the abolition of the Additional Sub Court would not materially affect the position.

(True Copy).

for Sub-Assistant Registrar,
Administrative Department.

PAG.

Home (pursuit)
re High Court
marked
as such matter.
13.1.47

Note to H.M.(Law):

I understand reliably from half-a-dozen lawyers from Mangalore who came here during Christmas that there is really not enough work for the Addl. Sub-Court and that it is simply being dragged on. Though I am not in actual touch with the work just now, my own impression of the work whilst I was there was that it was enough to keep the Addl. Sub-Court continued only ~~need not be continued any longer~~ upto June 1948. I understand that the work of the District Judge closes daily by 1 p.m. at the most. Mere figures and numbers of cases are no criterion. In any event I think it would be enough if the Sub-Court lasts till the next vacation. Thereafter you may safely wind it up. We cannot afford to waste public money unnecessarily. I think we may cut off the provision in the budget after April. No use gasking the High Court.

K.A.K
13.1.47

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17/1/47
Ajit
A/
M/

REGISTRY SECRETARY TO GOVERNMENT
17 JAN 1947
HOME DEPARTMENT

27 3625E
Telegr.

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Please see the minutes of H.M.(Law) on p/ante. Res. cum Home Dept.
In the circumstances stated in paras 8-10 of the letter of the Dt. Judge, South KANARA on p. 4 of his D.O. #3857/Home dated 6.12.46, the Govt. accepted the recommendation of the High court and sanctioned the continuance of the ~~addl~~ appointment of the addl Sub Judge MANGALORE and staff for a period of one year from 15.12.46. With reference to the minutes of H.M. (Law) on p/ante a draft letter to the High Court is submitted for approval.

24/1/47.

25-1-47 S 25/1/47

25/1/47. Issued letter No. 3625/E/47-1 dated 27.1.47 from the High Court, Roc. No. 639/47-D.2. dated 25/1/47.

Please see the letter to the High court and its reply at pp. 1-3 c/f. In his report on pp. 5-13 c/f. the District Judge, South KANARA, has explained in detail the necessity to continue the addl. Sub-Court, MANGALORE. Please see paras 7-14 on pp. 7-12 c/f. The Hon. the Judges of the High Court consider that there is ample work justifying the retention of the addl. Sub Judge for the period already sanctioned (i.e) upto 14.12.47. They

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have however promised to forward a further report from the Dt. Judge in the matter in the first week of APRIL with their remarks. For orders whether the further report referred to above may be awaited till 15-4-47.

6-3-47

I have perused the High Court's letter and the report of the District Judge. It seems to me from the report and the figures in it that there is no work for two courts after April. There is great necessity for retrenchment now.

Our letter to the High Court need not have made particular reference to the fact that the work of the Dt. Court closes daily by 1 p.m. and this is responsible for the Dt. Judge putting up a vigorous defence in paragraph 11 of his letter.

8-3-47

SECRETARY TO GOVERNMENT
10 MAR 47
HOME DEPARTMENT

HOME DEPARTMENT

Please see the minute of H.M.(Law) above. The District Judge, South Kanara has promised to send a further report during the first week of April with reference to the state of work at the end of the first quarter of 1947 - cp. also para 2 of the High Court's letter on p.3 c.f. For orders whether the High Court may be informed that the Government await the further report. If so, the draft submitted is for approval.

21.3.47

(Issued Memo.No.3625E/47 Home dated 24-3-1947)

(From the High Court R.O.C.No.639/47-D2 dated 17-4-47)

This file deals with the question of the continuance of the appointment of the addl. sub-judge, Mangalore

and staff in 1947-48.

2. In G.O.No.3851 Home dated 6-12-46 sanction was accorded to the continuance of the addl.sub-judge, Mangalore and his establishment for a period of one year from 15-12-46. The sanctions lasts upto 14-12-47 With reference to the minute of the late H.M(Law) at C on page 1 ante., the remarks of the High Court were invited as to whether it would be sufficient if the addl.sub-court, Mangalore were continued till the commencement of the summer recess for 1947. The High Court forwarded a detailed report from the District Judge, South Kanara in which he explained the necessity to continue the addl. sub-court and promised to send a further report in April '47 after watching the position till the end of March 1947. The Hon. the Judges of the High Court considered that there was ample work justifying the retention of the addl.-sub court till 14-12-47 sanctioned in G.O.No.3851 Home dated 6-12-46. The Govt. awaited the further report which has since been forwarded by the High Court-pp.19-22 cf. The ~~Hon. the Judges~~ Hon. Judge has re-iterated the necessity for the retention of the addl. sub-court for the full period of sanction. The Hon. the Judges consider ~~have again stated~~ that the reasons given by the District Judge are very convincing and that there is a real need for the retention of the additional officer till 14-12-47.

3. In the circumstances, it does not seem necessary to pursue the matter. For orders whether the papers may be lodged and added to G.O.No.3851 Home dated 6-12-46.

2.5.47.

The papers may be lodged

6/5/47

ASSISTANT SECRETARY TO GOVT. 8 MAY 1947 HOME DEPARTMENT